

### **35 U.S.C. 103 § REJECTION**

Claims 1, 3 4, 6, 8, 9, 11 and 13-24 were rejected under 35 U.S.C. as being unpatentable over Blinn, et al, (U.S. Patent No. 6,058,373). Claims 1, 3 4, 6, 8, 9, 11 and 13-24 were also rejected under 35 U.S.C. as being unpatentable over Johnson, et al. (U.S. Patent No. 6,023, 683).

Examiner in his responses has made some sweeping statements with which Applicants continue to respectfully disagree. Also, the Examiner failed to explain how either Blinn or Johnson could be split in two to produce Applicants' invention. As Applicants have stressed there are fundamental differences between what we claim and what is taught by Blinn or Johnson that prevents that from happening. What applicants provide is simply not the splitting apart portions of Blinn or Johnson. These differences appear in almost every claim.

In order to convince the Examiner of this and to avoid an appeal, Applicants have produced a claim chart, which is appended to this request, for reconsideration as Exhibit 1, which will explain, again, why these statements are inaccurate when close scrutiny is applied to the claims pending in this case. It also illustrates how applicant's invention relates to those claims and how different the Blinn et al. and Johnson et al. references are to what Applicants claim as their invention. If necessary, Applicants would like to meet with the Examiner to discuss the claim chart.

So, Applicants will now refer to the claim chart of Exhibit to help the Examiner understand the fundamental differences between their invention and the art cited.

#### **Claim 1**

There are three primary elements in this system claim and, as indicated in the claim chart, the Blinn specification has no analog to either the a or c element and the Johnson reference neither a, b or c! Applicants don't disagree that Blinn is "electronic" and helps create and process orders. But Applicants are claiming neither. What Applicants claim, is a system that intercepts an already created order and performs activities on it prior to reaching the order process system. The only element arguably present in Blinn is a system to determine whether or not a part is to be back-ordered. Without arguing whether it is or isn't, the check is performed inside the order processing system of Blinn after the order is received. So really, Blinn fails to teach any of the elements of Claim 1, much like the Johnson reference.

#### **Claim 3**

There are no functions in Blinn et al. that translate data from any format other than its format. So it does not teach a. Blinn does not determine whether an availability check is required, as in b. It has a basic format for performing that check after the sales order is within its system. As to element c, there is no facility in Blinn to create only a portion of the order within its system, once the order is submitted.. Johnson fails to teach anything about receiving sales order data, since it does not receive sales order data, so it does not possess elements a. Johnson does perform availability check of element b, but does not apply the means for "determining"

claimed by the current invention. Johnson resubmits an order to change it. It does not change it prior to submission to the order processing system. Johnson does not provide any teaching of element e. Thus, in addition to the elements of claim 1 on which claim 3 depends, neither Blinn nor Johnson teaches all the elements of claim 3, either alone or in combination.

#### Claim 4

As illustrated in Exhibit 1, neither Blinn nor Johnson teaches the workbench claim 4. Examiner must interpret claim 4 as applicants have defined it in their specification, consistent with 112, paragraph 6. So again, neither Blinn nor Johnson teaches all the elements of claim 4, let alone the claims on which it depends..

#### Claim 6

As illustrated in Exhibit 1, in element "a", Blinn does not provide a display of errors after in the manner of Applicant's invention. Johnson does not process orders at all, so does not have this facility. There are no means for displaying "error messages", as claimed in element b, in Blinn. Johnson does have a facility for displaying errors but, in the context of a requisition, not an order. Johnson provides no functionality for correcting orders, as provided in element c. So again, neither Blinn nor Johnson teaches all the elements of claim 6, let alone the claims on which it depends..

#### Claim 8

As illustrated in Exhibit 1, element a is not taught at all in Johnson. Nor is element b taught anywhere in Johnson. There is nothing specified in Blinn regarding order rejection or what happens when an order item is rejected, and certainly not the means specified by Applicants, let alone the claims on which it depends.

#### Claim 9

As illustrated in Exhibit 1, there is nothing in either Blinn or Johnson that provides a reject acknowledgment system, let alone the claims on which it depends.

#### Claim 11

As illustrated in Exhibit 1, there is nothing in either Blinn or Johnson that provides a means for updating, let alone the claims on which it depends.

#### Claim 13

As illustrated in Exhibit 1, there is nothing in either Blinn or Johnson that provides a means for determining (element a) or a means for updating (element b) in either Blinn or Johnson, let alone any claims on which it depends.

#### Claim 14

As illustrated in Exhibit 1, Blinn receives order requests from its own html formatted pages, not via an EDI format. Johnson mentions EDI for purchase orders placed on an EDI enabled customer, but not for requisitions which the Examiner has attempted to draw his analogies.

#### Claim 15

As illustrated in Exhibit 1, neither Blinn nor Johnson links to an SAP system.

As Exhibit 1 illustrates, even viewing every claim independently, neither Blinn nor Johnson fails to teach what is claimed by the Applicants. And, what is even more fundamental, there is no way either can alone, or in combination, provide any basis for Examiner's rejection, even if one subscribes to the proposition that Applicant's invention is the same as Blinn, but in unintegrated form. Additionally, there is nothing in Blinn or Johnson that hints that they could be.

Claims 16 through 24 are method claims and media claims, with restrictions that appear in Exhibit 1 analogs for the systems claims already discussed. In working through the restrictions for those claims, Applicants will refer back to elements in the already discussed claims that refer to these restrictions.

#### Claim 16

Claim 16 has method steps, with the restrictions similar to those discussed in the Exhibit for Claim 1, elements a, b and c, plus the first element "a" of claim 3, referring to an availability. Referring to Exhibit 1 for claim 1 and element a of claim 3, it is clear that both Blinn and Johnson fail to teach the restrictions cited in the method steps of claim 16. For example, there is "no receiving of electronic sales orders electronically for pre-processing prior to being transmitted to the order processing system" is akin to element a of claim 1. Translating the electron sales order is, fundamentally, element a of claim 3. The transmitting . . . to an interface step is akin to element b of claim 1 and the transmitting to the order processing system is akin to element c of claim 1. It is made clear by Exhibit 1 and the arguments made in discussing the elements of claim 1 and element a of claim 3, neither Blinn nor Johnson addresses what is claimed by 16. In fact, neither Blinn nor Johnson provides much in the way of teaching of any of these steps.

#### Claim 17

Referring to Exhibit 1, the discussion regarding the "business rules" step of this claim relative to Blinn and Johnson, appears in element e of claim 3. As illustrated, Johnson provides no teaching in this area and, if there is any teaching of this step, it occurs inside the order processing system, not at the stage after the order is submitted, but before it reaches the

processing system. The "determining of processing problems steps" is discussed, with regard to element d, in claim 3.

The discussion regarding the "if there are any problems" step appear in claim 6, element b, of Exhibit 1. Since claim 17 depends on claim 16, which is clearly patentable, claim 17 is also patentable..

#### Claim 18

The discussion regarding enabling a user to correct orders, appears in Exhibit 1, when discussing element 6(c). Johnson does not provide such a system at all. And, although Blinn does provide an ability, it is within the order processing system itself. So, there is no "transmitting to the order processing" as stated in the second step of claim 18. Since claim 18 depends on allowable claim 17, it is also in condition for allowance.

#### Claim 19

The discussion regarding the steps of "rejecting" and "updating" appears in Exhibit 1, when discussing claims 9 and 11. As mentioned previously, neither Blinn nor Johnson provides any teaching of either of these steps. Thus, claim 19 is an allowable claim and, since it depends on allowable claim 16, is further allowable.

#### Claim 20

The discussion regarding the EDI format appears in Exhibit 1, when discussing claim 14. As indicated there, Blinn does not apply EDI to its orders. Johnson mentions EDI for purchase orders placed on an EDI enabled customer, but not for requisitions which the Examiner has attempted to draw his analogies. For these reasons, claim 20 is allowable, and for the additional reason that it depends on allowable claim 16.

#### Claim 21, 22, 23, 24

Claim 21, 22, 23, and 24 are media claims incorporating the same steps as claim 16, 17, 18 and 19, respectively. Therefore, the references to Exhibit 1 and the arguments made in claim 16, 17, 18, and 19 equally apply to claim 21, 22, 23, and 24, respectively.

#### General:

The reason Applicants have presented their arguments in form of a chart is that it allows the Examiner to compare the claims, in terms of the lexicography used by the Applicants, paragraph 6 of 35 U.S.C. 112, and to provide focus to what is actually claimed in terms of the fact that Johnson et al. and Blinn et al. really specify different parts of an overall fulfillment system. Examiner has seemingly focused on the commonality that must exist with regards to the data and has glossed over the differences.

Applicants have read *Nerwin v. Erlichman*, 168 USPQ 177, 179, and find it not on point. In fact, it adds support to Applicant's arguments. The citation to the Supreme Court case therein states that the grate in question "contains **all the elements** of the Beckwith grate, except for being in two pieces." (Emphasis mine.) The exhibit that Applicants provided herein illustrates that not **all** the elements are in either of the references. In fact "multiple elements" of multiple independent and independent claims do not appear in either of the references. Finally the case itself is for the proposition that one could claim an integral structure as consisting of various element for the purposes of an interference count.

Examiner additionally refers to MPEP Section 2144.04 in an attempt to counter Applicants arguments. It is just as inapposite. The case appearing therein for making separable is a lipstick holder and the difference was between a press fit and a removable structure, something that almost anyone could find obvious and with all the structural elements present and something that can easily be explained by almost anyone. The applicants on page 6 of their last office action asked the Examiner to specify how Blinn et al. or Johnson et al. could be split into two systems. All that the Examiner could proffer is case law that really is not on point. Exhibit 1 clearly illustrates why this is the only answer the Examiner can provide. It can't be done. You can't split in two something that already lacks the essential elements of Applicant's invention.

Finally, in reference to Examiner's citation of *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990) Examiner notes that "**a reference must show the claimed elements arranged in the manner of the claims**, but not in the identical words as used in the claims in order to be anticipatory." (Emphasis mine) As Exhibit 1 clearly illustrates again and again, for those elements that may appear in the reference, they were arranged (in term of system or process flow) in a much differ manner than either of the references.

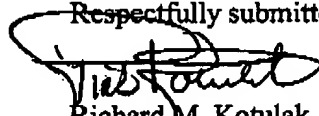
Accordingly, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness and failed to explain how the two references he cites can be somehow split into two to produce Applicant's claimed invention. Therefore, all claims pending should be moved to allowance.

As Applicants indicated above, we respectfully request a meeting with the Examiner to help him understand the differences between the invention and the prior art as it appears in Exhibit 1.

**CONCLUSION**

In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Charge any deficiencies and credit any overpayment of fees to Deposit Account No. 09-0456.

Respectfully submitted,



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**EXHIBIT 1**

<b><u>CLAIM</u></b>	<b><u>OUR SPECIFICATION</u></b>	<b><u>BLINN SPECIFICATION</u></b>	<b><u>JOHNSON SPECIFICATION</u></b>
1. (Amended) A System for pre-processing orders before they are transmitted to an order processing system, comprising:			
a. An order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system.	The order interceptor receives the order request after the order has been submitted by the customer and before being posted to an order processing system. This allows the supplier to manage and configure the order before the physical order is created. Once a physical order is created, some attributes to the order can not be changed. The order interceptor gives the supplier functionality to manage the order request freely based on business rules.	Blinn et al. provides a dynamic front end interface to the customer. Once the customer accepts and submits the order, the order is posted into the Blinn order processor and begins flowing through the 'order pipeline' within the Order Processing module (Fig. 3, 126). There is no means for an order manager to modify the order request prior to the creation of the order in the order processing system.	Johnson et al. describes an electronic sourcing system that provides the user with the capability of searching multiple vendor product catalogs and using information from that catalog to generate a requisition containing entries from that product catalog. Once a requisition has been inventory sourced and accepted by a CSR, it can be converted into one or more purchase orders to a supplier. It does not however provide a supplier with the ability to manage the order request before it is loaded as a sales order.

<p>b. An interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines portions of the electronic sales order data that can be satisfied.</p>	<p>Once an order request has been submitted by the customer and the order interceptor has received the order request, based on business rules configured for a customer/material, an Availability to Promise forecast/inventory system can be invoked to determine if a material is available for a given quantity on a given date. It allows the customer service representative to manage inventory allocations to orders and prioritize that inventory before the order enters the 'order pipeline'.</p>	<p>The inventory stage (Fig. 3, 384. Note text 2950) is the closest resemblance to an availability check. This inventory check is based on existing inventory stocks and sets the flag on the order to indicate whether there is sufficient inventory or if the item needs to be backordered. There are no functions for interfacing with a forecasting/inventory management function using business rules to determine product allocation.</p>	<p>Inventory data loaded on the users local system is referenced when a requisition is configured. The RIMS inventory sourcing system is accessed when building the requisition to determine if there is a local supply of inventory available and its location. There are no linkages to an outside suppliers inventory. There are no functions for interfacing with a forecasting/inventory management function using business rules to determine product allocation.</p>
<p>c. Means for transmitting at least a portion of the electronic sales order data to the order processing system for order processing.</p>	<p>If it is determined during order request review that some lines of an order are invalid, can not be fulfilled, or for any reason not to be entered into the sales order system, these lines can be rejected and only the approved order lines are created in the sales order system.</p>	<p>There is no function in Blinn et al. that sends a subset of an order to its order processing system. When the customer submits the order, the complete order is created and processed via the 'order pipeline'. Once an order is created in the pipeline, all lines on that order are maintained and processed.</p>	<p>Once a requisition is submitted within Johnson et al., the submitted requisition would have to be revised and resubmitted.</p>
<p>3. (Twice amended) The system of claim 1, wherein the order interceptor comprises:</p>			



a. means for translating the electronic sales order data to an internal format of the order interceptor.	The order interceptor receives the electronic sales order data in an EDI format or any predetermined record format and translates the ESO into its own internal format for processing.	There are no functions in Blinn et al. that translate data from any format other than its own front end order generator. This prevents its order processor to receive orders from any other media/file formats.	Johnson et al. is not a sales order system and therefore does not receive sales order data.
b. means for determining if an availability check is required.	For some materials, it may not be necessary to perform an availability check. This is configured at a customer/material level. If the availability check is required, the order interceptor will interface with a third party planning/forecast system to determine and manage product availability.	Blinn et al. has a basic format to check inventory and assign that inventory to a sales order AFTER the sales order has been created within its system. This inventory request is configurable at a system level and not a customer/material level.	Johnson et al. is not a sales order system and therefore does not receive sales order data. However, it does perform inventory availability checking for inventory managed within itself and returns to the requisition the location and quantities available. If the item is not found in its locally managed inventory, an external purchase order is generated. If the item is found locally, then a purchase order is placed on the local distributor.
c. means for transmitting at least a portion of the electronic sales order data.	When the order interceptor receives a sales order request, it can send a subset of the sales order request to the order processing system. The order interceptor can also split a sales order request into multiple sales orders to send to the order processing system. This allows orders to be directed to multiple sales areas within the order processing system.	Once an order request is submitted by the customer to the order processing engine, the supplier must manage all items on the order. There is no facility to create only a subset of the order within the order processing system. This creates redundant and non-essential data within the order processing system.	A requisition can be modified after it is submitted by altering the requisition and resubmitting the purchase order if necessary. It does not provide the ability to change a purchase order once it is submitted.

d. means for determining if there are any processing problems associated with the electronic sales order data.	While processing a sales order request, the order interceptor performs edits and audits on the sales order request to determine if all necessary criteria specific for the order processing system are complete. If not, the order is directed to the order interceptor workbench where it can be managed by the customer service representative.	Blinn et al. performs edits/audits on the sales order request prior to submission by the customer. When the order is submitted, any edits/audits performed by the order processing system are performed at this stage, therefore creating an invalid order that potentially must be resubmitted.	When building the requisition, Johnson et al. gathers all pertinent information from the product catalog entries it is processing. This information is then loaded into the purchase requisition. If it is determined that the data is not accurate, messages are displayed while building the purchase requisition and are manually addressed by the user.
e. means for processing the electronic sales order data in accordance with business rules.	While processing a sales order request, the order interceptor allows a supplier to configure how a request is managed using business rules. These business rules allow certain functions to be automated if specified criteria are satisfied.	Blinn et al. can perform some business rules logic during the front end generation of the sales order request and also during the processing of the sales order in the sales order engine. However, it can not apply business rules before the order is generated after it has been submitted by the customer. Also, since it is based on key-key/value pairs, it does not provide customer tier functionality to provide different functionality based on the customer configuration.	Johnson et al. is driven primarily from the product catalogs and its associated data. There are no configurable business rules within the process defined in this patent.

<p>4. The system of claim 1, further comprising a workbench receiving electronic sales order data that contains errors or is incomplete.</p>	<p>Sales order requests that have failed edit/audits or just need to be reviewed prior to creation in a sales order system are sent to an order interceptor workbench. The Workbench provides a customer purchase order view of the sales order request that looks, feels, and behaves like actual order entry screens. This facility allows the customer service representatives to correct and manage orders from a consolidated workbench before they are sent to an order processing system. The order requests also are passed through phases in processing so that different roles within processing orders can manage the sales order request prior to entry into the order system.</p>	<p>Blinn et al. does not have a consolidated workbench to process order requests or even orders. It uses a blackboard concept where the user can updates key/key-value relationships for data during each stage of the process. This allows data flexibility as an order goes through the process, but a user whose responsibilities span multiple areas will still have to enter each area of the order processing system to enter those specific values.</p>	<p>Johnson et al. does not have a workbench to process sales order requests. The only area where errors are corrected is within the purchase requisition definition maintenance menus.</p>
<p>6. (Twice amended) The system of claim 4, wherein the workbench comprises:</p>			

a. means for displaying electronic sales order data that contains errors or is incomplete.	The order interceptor can receive incomplete or erroneous order request data submitted by the customer without causing errors. It provides the facility and architecture to clean and complete the data and then feed it into an order processing system.	Blinn et al. does not receive data from other front end order processing systems. It performs its edits/audits while the customer inputs the order. It then loads the data into the order processing system where the order is processed and errors corrected.	Johnson et al. does not process sales orders. It generates purchase orders based on requisitions. Therefore it has no functionality in this area.
b. means for displaying error messages associated with the electronic sales order data of step a.	The order interceptor workbench displays all messages associated with an order request and presents all order request details for the user to process.	Blinn et al. contains an order processor stage called the 'Order Check Stage'. In this stage, there are two optional components called OrderValidate (validates at an order level) and OrderItemValidate (validates at an order item level). These components will only ensure that certain fields are filled in and that the fields contain the correct data type for the field (e.g. date is a valid date, string contains string data, etc). The patent text does not specify how errors are processed once detected.	For purchase requisitions that contain errors, error messages are displayed, optionally printed, and then manually corrected if possible.
c. means for correcting, editing, and updating at least one database containing electronic sales order data.	The workbench provides the ability to correct any errors, manage committed order request dates/quantities with delivery plants, and allows updating the sales order request directly on the database prior to entry into the order process system.	Blinn et al. provides the ability to correct, edit, and update the order database with order and order item information from within its own order processing system, but not before the order is generated on its order processing system.	Johnson et al. does process sales orders. It generates purchase orders based on requisitions. Therefore it has no functionality in this area.

<p>8. (Once Amended) The system of claim 6, wherein the workbench further comprises:</p>			
<p>a. means for displaying the status of the electronic sales order data.</p>	<p>The order interceptor gives the ability to view the status of order requests as it passes through the stages of pre-processing. It can show what stage the order request is in along with any conditions that must be satisfied to make it a complete and accurate order when posted to the order processing system. It does this via a consolidated screen with links to each order stage processing specific data.</p>	<p>Blinn et al. displays the status of the order as it flows through its order processing stages. As the order progressing through each stage, the order manager can update each key/key-value pair based on each stages data requirements. It does not have a consolidated view of the order status from a single interface.</p>	<p>Johnson et al. does not specify in the patent text any means for displaying the status of a purchase requisition and obviously not sales orders.</p>
<p>b. means for determining if the configuration rules are satisfied.</p>	<p>When an order request is received, the order interceptor will configure the order request in accordance with business rules and determine if the order if configuration rules for the specific customer are satisfied.</p>	<p>Order requests generated via Blinn et al. can copy information regarding the customer from customer configuration and attach it to the order using key-value pairs during the order initialization stage. However, it these configurations do not alter the way an order is processed in its order processing system.</p>	<p>Johnson et al. does not specify in the patent text any means for using configuration rules to alter processing requirements.</p>

c. means for indicating to the order interceptor that at least a portion of the electronic order data is rejected.	If an order manager determines that certain items of an order request are not valid for processing or are unable to be satisfied, these lines or the entire order can be rejected and an acknowledgment sent to the front end order system.	There is not any text regarding order rejection or what happens if an order or order item is rejected during order processing.	Individual lines of a requisition can be maintained through the requisition maintenance screens. Lines can be added/deleted/modified and the requisition will be re-processed if necessary.
9. The system of claim 1, further comprising a reject acknowledgment system receiving an indication from the order interceptor that at least a portion of the electronic sales order data has been rejected.	When the order interceptor determines that certain lines or the entire order is rejected for any business reason, it can invoke a reject acknowledgment system that manages rejected items or orders and sending notices to the customer of such rejections with the reason/reasons.	There is not any text regarding order rejection or what happens if an order or order item is rejected during order processing.	Johnson et al. does not mention any reject acknowledgment function within the patent text.
11. (Amended) The system of claim 9, wherein the reject acknowledgment system comprises:			
a. means for updating at least one database to indicate the portions of the electronic order data that have been rejected.	The reject acknowledgment system updates the order request database and other audit database tables with the order request rejection history of what was rejected, why, and when the rejection acknowledgment was sent to the customer.	There is not any text regarding order rejection or what happens if an order or order item is rejected during order processing.	Johnson et al. does not mention any reject acknowledgment function within the patent text.

13. (Amended) The system of claim 11, wherein the reject acknowledgment system further comprises:			
a. means for determining if the electronic sales order data was received via a transmission from the World Wide Web.	The reject acknowledgment system can determine the source of the order request and send reject acknowledgments back to the order request system in an EDI format or notification to a front-end Web based system.	Since there is not an order rejection component with Blinn et al., there is not any text regarding order rejection, what happens if an order or order item is rejected during order processing, or where the order data was received.	Johnson et al. does not mention any reject acknowledgment function within the patent text.
b. means for updating the at least one database in either as ESO format or an SAP format.	The reject acknowledgment system can reject the order request or lines of an order request and maintain the database tables in either an internal format or an SAP specific format.	Since there is not an order rejection component with Blinn et al., there is not any text regarding order rejection or what happens if an order or order item is rejected during order processing.	Johnson et al. does not mention any reject acknowledgment function within the patent text.
14. The system of claim 1, wherein the order interceptor receives the electronic sales order data in a standard Electronic Data Interchange (EDI) format.	The order interceptor has the capability to receive order requests via an EDI format which is primarily used for business to business system communication.	Blinn et al. receives order requests from its own front-end Web based html formatted pages.	Johnson et al. does not use EDI except for purchase orders placed on an EDI enabled customer. Purchase requisitions are entered and maintained manually.

15. The order interceptor system of claim 1, wherein the system is an SAP system.	The order interceptor system can be utilized within an SAP system environment and use SAP as the order management system and/or order request system.	Blinn et al. is itself an order processing system with a direct link with its front-end order request module.	Johnson et al does not utilize an order processing system nor any function of SAP. It is based on purchase requisitions generated manually using one or more item catalogs.
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